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From: Dennis Dykes <ddykes@tds.net>
Sent: Wednesday, May 25, 2016 10:04 AM
To: Cnty 2016 Comp Plan
Subject: Clarification of Water Supply Issues that Affect Rural Land Use Plan
Attachments: GMP 2016 Update Oct 2015 Comments Water Reserve SS.pdf, GMP 2016 Update Oct 2015 Comments WRIA 27 Reserve Map.pdf, GMP 2016 Update Oct 2015 Comments WRIA 28 Reserve Map.pdf

Last evening I testified that water supply in the rural areas of Clark County has not been adequately evaluated in the planning process. It would be irresponsible to increase the number of potential parcels in the rural area based on the information in the FSEIS and CFP.

Water is a limited resource, what we have is all there is. Water law has developed to provide rights for the use of this limited resource at specific locations. In Washington, the Dept of Ecology has the responsibility to account for these rights and assess the resource. For Clark County, Ecology developed and adopted WAC173-527 and -528 to establish in rule an accounting of the water resources. These rules came into effect in January 2009. This accounting sets aside reserves for future domestic wells and small community water systems. Attached are two maps that show the geographic distribution of these reserves. (Note that the rules are for Water Resource Inventory Area-WRIAs-and therefore include parts of other counties.)

It's important to understand that domestic "exempt" wells commonly used on rural properties have a limited water right. They are only exempt from *applying* for a formal water right certificate. The WACs include the reservations in part so that Clark County can plan for the day when all the water rights are allocated. To this end Ecology is required to keep an accounting of the reservations. The account as of last June is also attached. This shows a 'Remaining Household Capacity' of 4,859, much less than the 8,040 parcels projected in the preferred alternative. You should consider this in the Comp Plan. Where will more than 3,000 parcels get their water rights? Unfortunately Sections 3.1 and 3.2 of the FSEIS do not even mention this so you do not have the information you need to make informed decisions.

It's often repeated that the PUD claims they can supply water needs for 50 years with some vague reference to the Clark County Coordinated Water System Plan. It's pretty clear that none of you have opened this document nor questioned the PUD. First, the CCCWSP is written almost entirely for large purveyors barely acknowledging and providing no real planning for rural water supplies. In fact, on page 15 in Section II (CWSP and Local Legislative Policies) Part 3 (Growth Management Act) F (Rural Areas) it is stated that "These areas are not expected to accommodate large amounts of population growth." Basically the CCCWSP expects you to limit the growth of the population and water use in the rural areas. The ball is squarely in your court.

Second, Section IX (Water Supply) describes the development and implementation of WAC173-527 and -528. In the first paragraph of Part 3 (New Water Supplies-Water Rights) the focus is put entirely on "municipal water purveyor's application for water rights." Part 5 (Water Rights and Projected Water Demand) does not account for exempt wells or small community systems.

The CCCWSP simply does not consider rural residential water supplies and cannot be relied on for planning purposes. This is particularly true if you haven't read it.

The PUD is reported to claim they can provide water for 50 years of growth. I strongly advise you to evaluate the "how" and the cost of this claim. First, the PUD can only provide an urban type of service where pipes

deliver water from a central service. This is hardly a widespread rural expectation or value and is very expensive. Second, where will the water come from? The water right reservation in the WACs for satellite water systems is very limited. This leaves the PUD two options: 1) plumb rural Clark County and pump water from their lowland wells. The water rights associated with these wells are, I believe, are the basis of their claim. But what would this cost? It's not in the CFP. 2) take rural water rights for new or expanded satellite systems. Ominously, a "Reservation of Public Water" was filed and approved by Ecology on August 13, 1986. This is commonly known as a prior water right and gives the PUD a 1986 priority date for any water right they apply for. Therefore the PUD could claim that any exempt well near their new well drilled after 1986 interferes with their water right and therefore is invalid. That wouldn't go over very well in the rural area. Another option would be to go after water right claims forcing long established water users in the rural areas to defend their claim. That also wouldn't go over very well. And all for an urban service (is that even legal in the rural areas?)

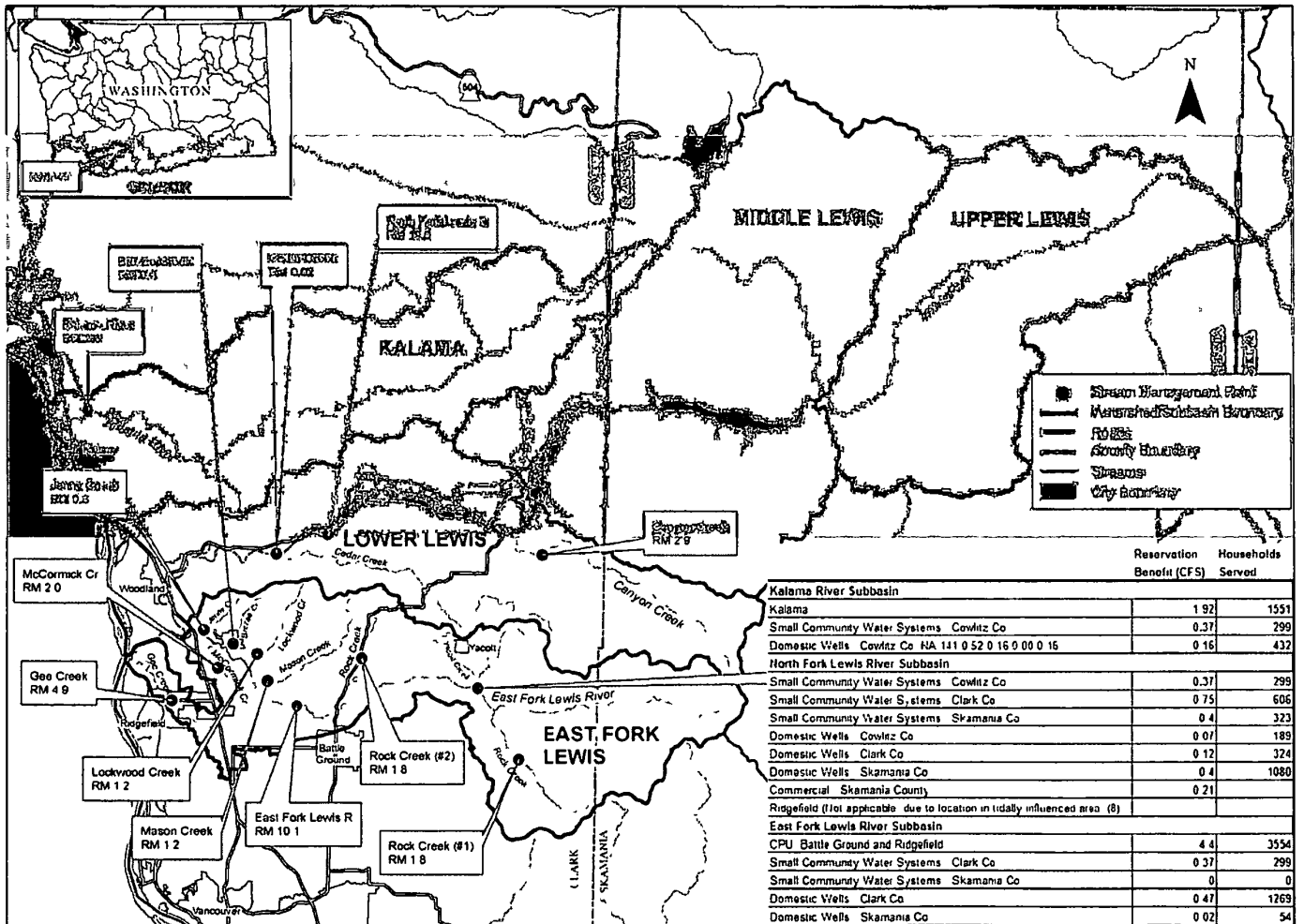
It's important to understand that most properties have a water right "claim" or "permit" *not* a "certificate". It's a long story that led to this situation but, to simplify, the process of establishing water rights that existed prior the water law is intended to be completed by an adjudication process through a court. This has not happened and will be a complex drawn out process, one that I highly recommend you initiate immediately. This process is likely take 10 to 20 years which means water right will be legally sorted out about the time the exempt well reservation is used up.

Planning is all about anticipating the future and preparing for it. At this point in the GMA update process the responsible decision for the rural areas would be to implement Alternative 1 and not dig a potentially deeper hole concerning water rights. I and others also spoke about how reducing forest and agriculture parcel sizes would reduce or eliminate them as resource land. This is also irresponsible.

You must also initiate the process to adjudicate water rights in Clark County. This is long overdue and would make clear the availability and limitations of water in Clark County. This is particularly of concern in the rural area that is not serviced by the large purveyors.

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WRIA 27 Stream Management Subbasins and Control Points



Data Source: WRIA 27 Sub-Basin delineation from Sanborn Mapping Solutions Western Washington Land Cover Change Analysis
<http://www.ecy.wa.gov/services/gis/data/impervious/basins.htm>

Water Resources GIS 5/28/2008

**Water Reserve for Households in Rural Clark County
WRIA 27 and 28 (Clark County Portions)**

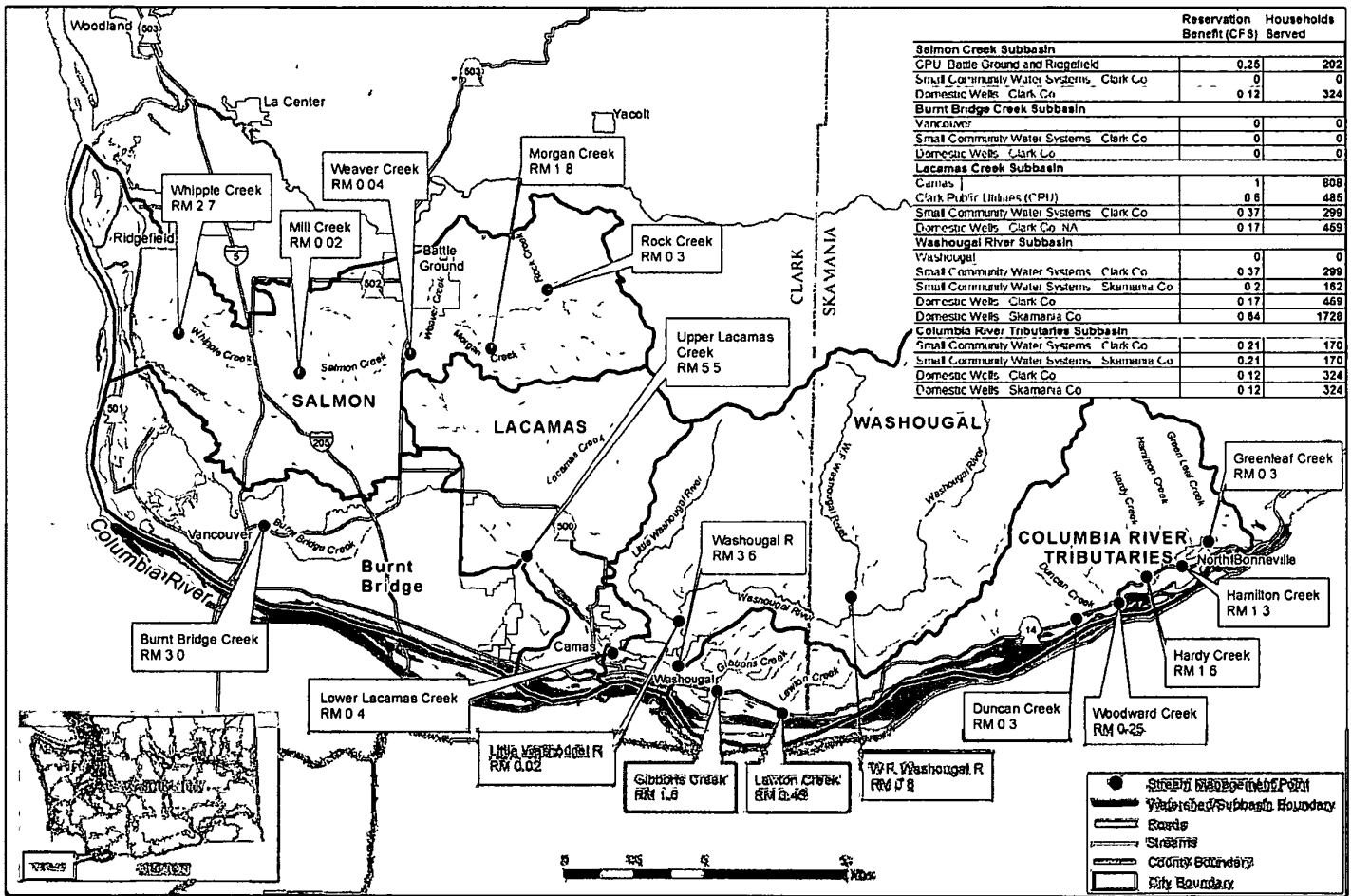
	Reservation Benefit (CFS)	Households Served	New Water Wells (ecy)	Public est* systems(doh)	RESERVATION TOTAL	% Used	Remaining Household Capacity
North Fork Lewis River Subbasin							
Small Community Water Systems - Clark Co	0.75	606	3		3	0.5%	603
Domestic Wells - Clark Co	0.12	324	81		81	25.0%	243
East Fork Lewis River Subbasin							
Small Community Water Systems - Clark Co	0.37	299	2	19	21	7.0%	278
Domestic Wells - Clark Co	0.47	1269	122		122	9.6%	1147
Salmon Creek Subbasin							
Domestic Wells - Clark Co	0.12	324	92		92	28.4%	232
Lacamas Creek Subbasin							
Clark Public Utilities (CPU)	0.6	485			0	0.0%	485
Small Community Water Systems - Clark Co	0.37	299	3	8	11	3.7%	288
Domestic Wells - Clark Co NA	0.17	459	71		71	15.5%	388
Washougal River Subbasin							
Small Community Water Systems - Clark Co	0.37	299		10	10	3.3%	289
Domestic Wells - Clark Co	0.17	459	32		32	7.0%	427
Columbia River Tributaries Subbasin							
Small Community Water Systems - Clark Co	0.21	170	0		0	0.0%	170
Domestic Wells - Clark Co	0.12	324	14		14	4.3%	310
Total	3.84	5,316			457	8.6%	4,859

- **2,747** Number of single household wells available in reserve
- 2,112** Number of households in small community systems available in reserve
- 4,859** Total households available in reserve (June 2015 estimate by Dept of Ecology)

Note: Data for Department of Ecology edited by Dennis Dykes to include rural Clark County portion of each WRIA
Water Reserves specified in WAC 173-527 and 173-528

10/18/2015

WRIA 28 Stream Management Subbasins and Control Points



Data Sources: WRIA 28 Subbasin locations from National Geospatial Intelligence Agency; Stream locations from Clark County GIS; City boundaries from Clark County GIS; County boundaries from Clark County GIS.